

**OFFICE OF THE CLERK
United States District Court
Southern District of Florida**



**GENERAL CIVIL CASE FILING REQUIREMENTS
REVISED MARCH, 2004**

**CLARENCE MADDOX
COURT ADMINISTRATOR/CLERK OF COURT**

"The Mission of the Clerk's Office for the Southern District of Florida is to provide the support necessary to enable the Court as an institution to fulfill its constitutional, statutory, and societal responsibilities for all who seek justice"

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UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF FLORIDA

GENERAL FILING INFORMATION

OFFICE ADDRESSES: The Clerk maintains five staffed offices. Office hours are from 9:00 A.M. to 4:30 P.M. Monday through Friday, except legal holidays, as noted below. These offices are open to the public and are located at:

301 North Miami Avenue, Room 150
Miami, Florida 33128-7788
305-523-5100

299 East Broward Boulevard, Room 108
Fort Lauderdale, Florida 33301
954-769-5400

701 Clematis Street, Room 402
West Palm Beach, Florida 33401
561-803-3400

301 Simonton Street, Room 130
Key West, Florida 33040
305-295-8100

300 South Sixth Street, Second Floor
Fort Pierce, Florida 34950
561-595-9691

World Wide Web Internet Address: <http://www.flsd.uscourts.gov> contains the Local Rules of this Court as well as other useful information. **PLEASE NOTE:** *you may also subscribe to PACER which provides current docket sheets and includes scanned images of documents on cases filed within the last three years:* <http://www.pacer.flsd.uscourts.gov>. (See page 21 of this booklet for additional information).

Legal Holidays: If the holiday falls on Saturday, it is observed on the preceding Friday. If the holiday falls on Sunday, it is observed on the following Monday.

New Years Day - January 1st

Birthday of Martin Luther King, Jr. - 3rd Monday in January

Presidents Day - 3rd Monday in February

Memorial Day - Last Monday in May

Independence Day - July 4th

Labor Day - 1st Monday in September

Columbus Day - 2nd Monday in October

Veterans Day - November 11th

Thanksgiving Day - 4th Thursday in November

Christmas Day - December 25th

CLERK'S AUTOMATED TELEPHONE SYSTEM INDEX

The Clerk's Offices in Miami, Fort Lauderdale and West Palm Beach use an automated telephone answering and routing system to direct callers to the proper sections. In Miami, callers must first dial the main number, then dial 1 before selecting the extension of the party you are trying to reach. When calling the Fort Lauderdale or West Palm Beach Offices through their main numbers, callers may dial 0 to obtain assistance. To get a section directly after calling the main number, use the following extensions:

MIAMI Main Number 305-523-5100

Court Services and Information	1
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Press 1 again and select from the following:

Jury Information	1
Docketing, Case Filing Information, Information re: New Indictments and New Arrests	2
Other Clerk's Office Sections	3
Attorney Admissions	4
Addresses and Directions to Miami Courthouses	5
Mediation or becoming a mediator	6
Other Government Agencies	7

FORT LAUDERDALE Main Number 954-769-5400

Information re: Filing a New Case, Case Status Appeals, Records, Intake Office Hours, Location	1
Jury Information	2
District & Magistrate Courtroom Deputy	3
Specific Individual	4
Other Government Agencies	5

WEST PALM BEACH Main Number 561-803-3400

Case Filing and General Information	1
Information from the Case Docket	2
Copies and Information from the Case File	3
Cases on Appeal to the Eleventh Circuit	4
Courtroom Clerk for Magistrate Judge Vitunac	5
Courtroom Clerk for Magistrate Judge Johnson	8
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LOCATION OF DISTRICT JUDGES AND MAGISTRATE JUDGES

DISTRICT JUDGES' NAMES	LOCATION	TELEPHONE
Chief Judge William J. Zloch	Fort Lauderdale	954-769-5480
Judge Federico A. Moreno	Miami	305-523-5110
Judge Donald L. Graham	Miami	305-523-5130
Judge K. Michael Moore	Miami	305-523-5160
Judge Ursula Ungaro-Benages	Miami	305-523-5550
Judge Daniel T.K. Hurley	West Palm Beach	561-803-3450
Judge Joan A. Lenard	Miami	305-523-5500
Judge Donald M. Middlebrooks	West Palm Beach	561-514-3720
Judge Alan S. Gold	Miami	305-523-5580
Judge William P. Dimitrouleas	Fort Lauderdale	954-769-5650
Judge Patricia A. Seitz	Miami	305-523-5530
Judge Adalberto Jordan	Miami	305-523-5560
Judge Paul C. Huck	Miami	305-523-5520
Judge Kenneth A. Marra	Fort Lauderdale	954-769-5680
Judge Jose E. Martinez	Miami	305-523-5590
Judge Cecilia Altonaga	Miami	305-523-5510
Judge James I. Cohn	Fort Lauderdale	354-769-5490
Senior Judge James Lawrence King	Miami	305-523-5000
Senior Judge William M. Hoeveler	Miami	305-523-5570
Senior Judge Jose A. Gonzalez, Jr.	Fort Lauderdale	954-769-5560
Senior Judge James C. Paine	West Palm Beach	561-803-3430
Senior Judge Kenneth L. Ryskamp	West Palm Beach	561-803-3420
Senior Judge Shelby Highsmith	Miami	305-523-5170
MAGISTRATE JUDGES' NAMES	LOCATION	TELEPHONE
Chief Magistrate Judge Linnea R. Johnson	West Palm Beach	561-803-3470
Magistrate Judge William C. Turnoff	Miami	305-523-5710
Magistrate Judge Lurana S. Snow	Fort Lauderdale	954-769-5460
Magistrate Judge Ann E. Vitunac	West Palm Beach	561-803-3440
Magistrate Judge Ted E. Bandstra	Miami	305-523-5700
Magistrate Judge Stephen T. Brown	Miami	305-523-5740
Magistrate Judge Barry S. Seltzer	Fort Lauderdale	954-769-5450
Magistrate Judge Barry L. Garber	Miami	305-523-5730
Magistrate Judge Frank J. Lynch, Jr.	Fort Pierce	561-595-9312
Magistrate Judge Robert L. Dube'	Miami	305-523-5770
Magistrate Judge Andrea M. Simonton	Miami	305-523-5930
Magistrate Judge John J. O'Sullivan	Miami	305-523-5920
Magistrate Judge Peter R. Palermo	Miami	305-523-5760
Magistrate Judge Hugh J. Morgan (P/T)	Key West	305-295-8110
Magistrate Judge Theodore Klein	Miami	305-523-5720
Magistrate Judge Patrick A. White	Miami	305-523-5780
Magistrate Judge Edwin G. Torres	Fort Lauderdale	954-769-5670
Magistrate Judge James M. Hopkins	West Palm Beach	561-514-3710

GENERAL FILING REQUIREMENTS (Local Rule 5.1)

These guidelines are provided to familiarize those individuals who represent themselves in a lawsuit in this Court with some of the rules and procedures which must be followed in the United States District Court for the Southern District of Florida. Documents should be simple and direct; technical, legal jargon is not required. See Appendix A for a sample of document format.

Disclaimer: This summary does not take the place of a pro se litigant's responsibility to comply with the Local Rules, the Federal Rules of Civil Procedure and all other laws. The Local Rules of this Court may be obtained at the Intake Section in any of our offices free of charge or from our website: <http://www.flsd.uscourts.gov>. This summary is NOT legal advice and reliance upon it is at your own risk.

Once a case has been filed, it is extremely important for a plaintiff to be diligent in pursuing the case. The plaintiff has an obligation to attempt to make the case ready for trial. All parties must make their best efforts to complete discovery as to the facts of the case within the time limits, and in accordance with procedures. In addition, a plaintiff must obey all orders of the Court that may be issued in the case, and must appear for all conferences or hearings which a judge may schedule. Failure to do so is grounds for dismissal or sanctions.

Filing Hours: Documents may be filed with the Clerk's Office between the hours of 9:00 A.M. and 4:30 P.M., Monday through Friday, except on Federal holidays. After hours filing via night box is no longer available at any Court location. However, documents hand-filed in any location before 10:00 a.m., or sent and received by overnight delivery service can be, at the filer's request, backdated to the previous working day (Administrative Order 95-29).

Where to File: New cases may be filed in and summonses issued by any divisional office in the Southern District of Florida. Once a case has been filed, however, any further documents, including copies for the judge, are to be filed in the Clerk's Office where the assigned judge is chambered (see page 5 for listing) and must contain the case number assigned. In accordance with Local Rule 5.1.B, **no pleadings or documents should be filed directly with chambers.** All documents require a Clerk's file-stamp to ensure that they are properly made part of the record

Paper Size: (Local Rule 5.1.A.3) All documents must be on 8½" by 11" (letter size), white paper, with a centered, standard two-hole punch at the top. Documents should not be bound or double sided (Local Rule 5.1.A.1).

Copies Required: An original plus one copy of all documents must be filed (Local Rule 5.1.A.2). If you wish to obtain a file-stamped copy for your records, you must provide an extra copy along with a self-addressed, stamped envelope. Attorneys should include their address, telephone number, facsimile telephone number, e-mail address and Florida Bar Number below their signature on all documents (Local Rule 5.1.A.6). In matters that have been consolidated, an additional copy is required for each case in the consolidation, unless otherwise ORDERED by the Court (Local Rule 5.1.A.8). If the Court designates a specific

case number for documents to be filed in, please place a check mark next to that case number.

Motions: A motion is an application to the Court asking the Court take certain action with respect to the conduct of the case.

Motions should be in writing (see Appendix A for format) and should state the action sought and set forth the facts. Motions are the primary way for litigants to ask the Court to take action in a case. An original and a copy for judge must be filed with the Clerk, along with self-addressed stamped envelopes for all parties to be used by the judge when he/she rules on your motion. It is the responsibility of the filing party to send a copy of every document to all opposing parties. If you wish to obtain a file-stamped copy for your records, you must provide an **extra** copy along with an **additional** self-addressed, stamped envelope. Motions should not be sent directly to the judge.

NOTE: Pursuant to Local Rule 15.1, any amendment to a pleading, whether filed as a matter of course or upon a successful motion to amend, must reproduce the entire pleading as amended, except by leave of the Court.

Certificate of Service: Every document sent to the Clerk must contain a signed statement at the end certifying that you have sent a copy of that paper to all parties in the case. You must, of course, actually send all parties a copy of every document you file.

Envelopes and Proposed Orders: If the assigned Judge is not participating in the Faxback Program, you must provide self-addressed stamped envelopes for all parties entitled to receive notice when filing documents or other papers that require an order from the Court. Additionally, it is required that a proposed order for consideration by the judge accompany all motions specified in Local Rule 7.1A.1. (see Appendix M for listing).

Faxback: The self-addressed stamped envelope requirement on proposed orders is not applicable when the assigned Judge is participating in the Faxback Program (see Appendix M for listing or you obtain a current listing via our web page). The Judge will notify parties of this, and future orders, notices and judgments will be faxed to attorneys authorizing the court to send orders via fax. .

Discovery: Discovery material **on civil cases will not** be tendered for filing. This Court will only accept discovery documents that clearly indicate on a notice of filing one of the exceptions cited in Local Rule 26.1.B, to wit:

- 1) discovery documents that have been ordered to be filed by the Court,
- 2) motion before the Court or support/objection thereto, and
- 3) discovery documents filed for trial /appellate purposes.

Please note that the Court reserves the discretion to refuse documents for filing that do not conform to the procedures referenced above and in Local Rule 26.1.B. Your cooperation in this matter is both imperative and appreciated.

FILING A NEW CIVIL CASE

The filing of a **Complaint** with the Clerk of the Court begins the civil lawsuit. The purpose of the complaint is to commence the formal legal process and to give notice to the person(s) being sued and to the Court about the nature of the lawsuit. It must also specify the federal statute giving the Court jurisdiction (Appendix B). Generally, each statement of claim should be made in separately numbered paragraphs, with each paragraph limited to a statement of a single set of facts, if possible. In this package you will also find a sample on how to style your complaint (Appendix C). The complaint must contain:

- Caption specifying the Court in which the suit is brought and names of the parties.
- Short statement of why the Court has jurisdiction.
- Brief statement of the facts of your case; how each defendant is involved; names of other persons involved, dates and places. You do not need to give any legal arguments or cite any cases or citations. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph.
- Briefly state exactly what you want the Court to do for you.
- Your signature, address, telephone number, facsimile number and e-mail address.
- If you are an attorney, your Florida bar number is also required.

The Civil Cover Sheet: (Local Rule 3.3) (Appendix D) **ALL SECTIONS MUST BE COMPLETED:** the **County where the Action Arose**, Section I(d); **Basis of Jurisdiction**, Section II; **citizenship of principal parties**, only if it is a diversity case, Section III; **Origin**, Section IV, **Nature of Suit**, Section V; **Cause of Action**, Section VI; **Estimated Time to try the Case**, part of Section VI; **Original signature of filer** and other pertinent information.

Generally, suits should be filed in the district where the defendant resides or where the claim arose (28 U.S.C. § 1391).

Assignment of Cases: Civil cases are assigned at random to the judges of the district court. Assignments are made so that no party or lawyer may choose which judge will hear the case.

Filing Fee: The filing fee for a civil action is \$150.00 and checks must be made payable to "Clerk, United States Court." If you are not financially able to pay this fee, you may file a Motion to Proceed in Forma Pauperis (IFP) (Appendix E), which will allow you to file your case without prepayment of the filing fee.

NOTE: In cases where an IFP Motion is filed, summonses are NOT issued until the IFP has been ruled on.

Service of Process:

Notice of Lawsuit and Waiver of Service of Summons: To avoid costs, the plaintiff may notify a defendant by mail of the commencement of the action and request that the defendant waive service of a summons, see Fed. R. Civ. P. 4(d) Appendix F.

Issuance of Summonses: (Appendix G) Upon filing a complaint, the plaintiff is responsible for prompt service of the summons and a copy of the complaint on each of the defendants named in the complaint (Fed. R. Civ. P. 4). An original summons and 3 copies must be prepared by the plaintiff for each defendant. **Failure to serve the summons and complaint within 120 days of filing the complaint is grounds for dismissal of each party not served.**

NOTE: In cases where an IFP Motion is filed, summonses are NOT issued until the IFP has been ruled on.

The summons must show the time within which the defendant is required to respond to the complaint. All defendants have twenty (20) days, with the exception of the United States, and/or all **federal agencies** which have sixty (60) days to respond. The time runs from the date the defendant is served with the complaint.

When an agency of the United States is named as a defendant, the summons must be served upon:

1. the agency or department named in the complaint;
2. the Attorney General of the United States, in Washington, D. C., and
3. the U. S. Attorney. It is required that the U. S. Attorney (or an Assistant U.S. Attorney or clerical employee designated by the U.S. Attorney) for the district in which the action is brought be served by sending a copy of the summons, complaint and other documentation previously mentioned by registered or certified mail addressed to the civil process clerk at the office of the U.S. Attorney.

The summonses must be issued (signed and sealed) by the Clerk and returned to the plaintiff together with the copies of the complaint to be served. The plaintiff must then have the summonses served with a copy of the complaint to each defendant, or to a person authorized to accept them for the defendant. The summonses are served by anyone 18 years of age or over, who is not a party to the suit, or by a Process Server (Appendix H).

If you choose to file a Motion to Proceed In Forma Pauperis (IFP) to waive the filing fee, summonses **cannot** be issued at the time the complaint is filed. You must wait until such motion is granted by the judge. Upon receiving the order granting such motion, you must present a copy of the order, along with the required **completed** summonses, to the Clerk's Office for issuing. If the request for leave to proceed in forma pauperis was granted, you may Move the Court to enter an order directing that service be made by the United States Marshal.

Proof of Service: The plaintiff must file with the Court proof that the defendant(s) have been served in accordance with Rule 4 of the Federal Rules of Civil Procedure.

Waiver of Service of Summons: If the waiver is returned signed by the defendant, the plaintiff must file it with the Clerk's Office. If the defendant does not return the waiver within the prescribed time frame, the plaintiff must prepare summonses to be issued and serve the defendant in the manner described above.

Service of Summons: It is the responsibility of the person serving the summons to prepare and file with the Clerk's Office the forms showing proof of service (see back of Appendix G - make sure both sides are copied) once it is made (Fed. R. Civ. P. 4(1)).

Answer to Complaint: Just as the plaintiff in the complaint must make a short, plain statement of the claim, the defendant in the answer must state the defenses to the claims and either admit or deny the specific allegations contained in the complaint (Fed. R. Civ. P. 8(b) see Appendix A for sample format).

As with all other documents, the defendant must file the answer with the Clerk and serve a copy on all opposing parties. Failure to answer or otherwise defend in a timely fashion is grounds for judgment by default against the defendant (Fed. R. Civ. P.55).

Plaintiffs should read the Federal Rules of Civil Procedure and the Local Rules to become thoroughly familiar with the procedures governing service of process.

DOCUMENTS TO SUBMIT IN SPECIFIC CIVIL ACTIONS

COMPLAINT AGAINST A PRIVATE PERSON OR CORPORATION

Civil Cover Sheet (JS-44):

- Original (with an original signature) and one copy for the judge.

Complaint:

- Original (with an original signature of the filing party) and one copy for the judge **and**
- One copy for each defendant named in the suit, to be file-stamped and returned to you for service.

Summons: Prepare four (4) summonses for each defendant:

- An original and a copy for the judge, **and**
- Two copies to be served upon each defendant named in the suit. The original is to be returned to the Clerk's Office to document the service of process.

Filing Fee: The filing fee is \$150.00 payable to "Clerk, United States Court." An original and one copy for the judge of the Motion to Proceed In Forma Pauperis may be filed in lieu of the fee.

SUITS AGAINST THE UNITED STATES OR AN AGENCY THEREOF

Civil Cover Sheet (JS-44):

- Original (with an original signature of the filing party) and one copy for the judge.

Complaint:

- Original (with an original signature of the filing party) and one copy for the judge,
- One copy of the complaint to be served upon the Federal Agency being sued,
- Two copies of the complaint to be served upon the Attorney General of the United States, **and**
- One copy of the complaint to be served upon the United States Attorney for the Southern District of Florida.

Summons: Prepare four (4) summonses for the federal agency named as a defendant:

- An original and a copy for the judge, **and**
- Two copies to be served upon each defendant named in the suit. The original is to be returned to the Clerk's Office to document the service of process.

Prepare four (4) summonses for the United States Attorney:

- Two to be served upon the United States Attorney for the Southern District of Florida, **and**
- Two copies to be served upon each defendant named in the suit. The original is to be returned to the Clerk's Office to document the service of process.

Prepare four (4) summonses for the Attorney General of the United States:

- Two to be served upon the Attorney General of the United States, **and**
- Two copies to be served upon each defendant named in the suit. The original is to be returned to the Clerk's Office to document the service of process.

Filing Fee: The filing fee is \$150.00 payable to "Clerk, United States Court." An original and one copy for the judge of the Motion to Proceed In Forma Pauperis may be filed in lieu of the fee.

SUITS INVOLVING THE SECRETARY OF STATE OF THE STATE OF FLORIDA

Civil Cover Sheet (JS-44):

- Original (with an original signature of the filing party) and one copy for the judge.

Complaint:

- Original (with an original signature of the filing party) and one copy for the judge, **and**
- One copy for each defendant named in the suit.

Summons: Prepare four (4) summonses for each defendant:

- An original and a copy for the judge, **and**

- Original and one copy to be served upon each defendant named in the suit. The original is to be returned to the Clerk's Office to document the service of process.

Filing Fee: The filing fee is \$150.00 payable to "Clerk, United States Court." An original and one copy for the judge of the Motion to Proceed In Forma Pauperis may be filed in lieu of the fee.

SUITS INVOLVING INSURANCE COMMISSIONER OUTSIDE OF FLORIDA

Civil Cover Sheet (JS-44):

- Original (with an original signature of the filing party) and one copy for the judge.

Complaint: In a suit against the Insurance Commissioner outside of Florida, file the following:

- Original (with an original signature of the filing party) and one copy for the judge, **and**
- Insurance Commissioner requires three copies to be served upon each defendant named in the suit.

Summons: Prepare six (6) summonses for each defendant:

- An original and a copy for the judge, **and**
- Original and three copies to be served upon each defendant named in the suit. The original is to be returned to the Clerk's Office to document the service of process.

Filing Fee: The filing fee is \$150.00 payable to "Clerk, United States Court." An original and one copy for the judge of the Motion to Proceed In Forma Pauperis may be filed in lieu of the fee.

AMENDED COMPLAINT (Fed. R. Civ. P. 15)

An amended complaint can be filed without permission of the court only if no answer to the original complaint has been filed. If an answer has been filed, the party must move the Court for an order allowing the amended complaint to be filed, or must secure written consent of the adverse party.

Amended Complaint:

- Original (with an original signature of the filing party) and one copy for the Court, **and**
- One copy for each defendant named in the suit.

NOTE: Pursuant to Local Rule 15.1, any amendment to a pleading, whether filed as a matter of course or upon a successful motion to amend, must reproduce the entire pleading as amended, except by leave of the Court.

Summons: Prepare four (4) summonses for each new defendant named in the suit.

- An original and a copy for the judge, **and**
- Two copies to be served upon each new defendant named in the suit. The original is to be returned to the Clerk's Office to document the service of process.
- If no additional defendants are added, the existing defendants must be provided with a copy of the amended complaint, but no additional summonses are required to be served.

NOTE: If summonses are to be issued after the filing of the amended complaint, it would expedite the issuing process if a file-stamped copy of the amended complaint is also presented.

Filing Fee: There is no filing fee for this proceeding.

REMOVAL OF A CASE FROM STATE COURT (28 USC § 1441)

Civil Cover Sheet (JS-44):

- Original (with an original signature of the filing party) and one copy for the judge.

Notice of Removal:

- Original (with the original signature of the filing party) and one copy for the judge, **and**
- Copies of **all** State Court pleadings **being removed**.

Filing Fee: The filing fee is \$150.00 payable to "Clerk, United States Court." An original and one copy for the judge of the Motion to Proceed In Forma Pauperis may be filed in lieu of the fee.

REGISTRATION OF A JUDGMENT FROM ANOTHER DISTRICT (28 USC § 1963)

Submit an original and two copies:

- Certified copy of Judgment form from the district court where the judgment originated (AO 451), or in the alternative, an order from said Court directing the Clerk to register such, **and**
- Certified copy of the judgment from the originating district court.

Filing Fee: The filing fee is \$39.00 payable to "Clerk, United States Court."

A certified copy will be returned to you, without cost, to record in the appropriate county recorder's office.

MOTION FOR RETURN OF SEIZED PROPERTY: An action to recover goods or chattels that have been wrongfully taken or detained.

NOTE: If this matter originated from a criminal case in this court, this motion should be filed in that criminal case and not as a new civil case.

Civil Cover Sheet (JS-44):

- Original (with an original signature of the filing party) and one copy for the judge.

Petition or Motion:

- Original (with an original signature of the filing party), one copy for the judge, **and**
- One copy for each defendant named in the suit.

Summons: Prepare four (4) summonses for each defendant:

- An original and a copy for the judge, **and**
- Two copies to be served upon each defendant named in the suit. The original is to be returned to the Clerk's Office to document the service of process.

Filing Fee: The filing fee is \$150.00 payable to "Clerk, United States Court." An original and one copy for the judge of the Motion to Proceed In Forma Pauperis may be filed in lieu of the fee.

MOTION TO ENFORCE (COMPEL) OR QUASH DEPOSITION SUBPOENA FROM ANOTHER DISTRICT: Where a subpoena is issued in connection with an action pending in a court other than the Southern District of Florida, but directed to a person within the Southern District of Florida, a motion under Rules 37(a)(1) and 45(c)(3) must be made in the Southern District of Florida. Such a motion entails the commencement of a miscellaneous proceeding requiring the following:

Civil Cover Sheet (JS-44):

- Original (with an original signature) and one copy for the judge.

Motion to Enforce (Compel)/Quash:

- Original (with an original signature of the filing party) and one copy for the judge, a copy of the subpoena in question **MUST** be attached to the motion, **and**
- Proposed order with stamped, self-addressed envelopes for all parties.

NOTE: The place of taking the deposition and person being deposed must be in the Southern District of Florida.

Filing Fee: The filing fee is \$39.00 payable to "Clerk, United States Court."

ADMIRALTY AND MARITIME CLAIMS

ATTACHMENT AND GARNISHMENT: IN PERSONAM: (Fed. R. Civ. P. Rule B, Supplemental Rules for Certain Admiralty and Maritime Claims)

Civil Cover Sheet (JS-44):

- Original (with an original signature of the filing party) and one copy for the judge.

Verified Complaint:

- Original (with an original signature of the filing party), one copy of the verified complaint for the judge, **and**
- One copy for each defendant named in the suit.

Affidavit:

- Original (with an original signature of the filing party) and one copy for the judge.

NOTE: If a summons and writ of attachment is to be issued, you must first obtain an Order directing the Clerk to do so.

Summons: Prepare four (4) summonses for each defendant:

- An original and a copy for the judge, **and**
- Two copies to be served upon each defendant named in the suit. The original is to be returned to the Clerk's Office to document the service of process.

Filing Fee: The filing fee is \$150.00 payable to "Clerk, United States Court." An original and one copy for the judge of the Motion to Proceed In Forma Pauperis may be filed in lieu of the fee.

NOTE: If the attachment and garnishment are to be issued under state law:

- **Original and three copies of the Summons and Process of Attachment are required and**
- **The bond required is double the amount of the claim.**

COMPLAINT FOR EXONERATION FROM OR LIMITATION OF LIABILITY
(Fed. R. Civ. P., Supplemental Rule F)

Civil Cover Sheet (JS-44):

- Original (with an original signature of the filing party) and one copy for the judge.

Verified Complaint:

- Complaint (with an original signature of the filing party) must be verified and one copy for the judge.

Affidavit:

- Original affidavit (with an original signature of the filing party) of the value of the vessel, one copy for the judge **and**
- Original affidavit (with an original signature of the filing party) of no pending freight and one copy for the judge.

Bond:

- Original bond for the value of the vessel and one copy for the judge.

Notice of filing of All Claims:

- Original notice (with an original signature of the filing party) and one copy for the judge.

Monition:

- An order directing the Clerk's Office to issue notice.

Notice of Publication (Local Rule 5.2):

- Original (with an original signature of the filing party) and one copy for the judge.

Filing Fee: The filing fee is \$150.00 payable to "Clerk, United States Court." An original and one copy for the judge of the Motion to Proceed In Forma Pauperis may be filed in lieu of the fee.

ACTIONS IN REM (Fed. R. Civ. P. Rule C and Admiralty and Maritime Rules of the Local Rules): Complaints must be verified on an oath or solemn affirmation.

Civil Cover Sheet (JS-44):

- Original (with an original signature of the filing party) and one copy for the judge.

Complaint:

- Original (with an original signature of the filing party), one copy for the judge **and**
- Three copies for the United States Marshals Service.

Motion for Substitute Custodian:

- Original (with an original signature of the filing party), one copy for the judge **and**
- Proposed order with stamped, self-addressed envelopes for all parties.

Motion Directing the Clerk to Issue Warrant:

- Original (with an original signature of the filing party), one copy for the judge **and**
- Proposed order with stamped, self-addressed envelopes for all parties.

Warrant of Arrest:

- Original and five (5) copies for each vessel.

Filing Fee: The filing fee is \$150.00 payable to "Clerk, United States Court." An original and one copy for the judge of the Motion to Proceed In Forma Pauperis may be filed in lieu of the fee.

NOTE: No prepayment of the filing fee is required if seamen institute and prosecute the suit in their own name and for their own benefit for wages or salvage or the enforcement of laws enacted for their health or safety (28 USC §1916). However, it is the responsibility of the filing party to pay the filing fee upon termination of the case.

DOCUMENTS FOR RELEASE OF VESSEL (Writ of Restitution for Cause Pending)
(Fed. R. Civ. P. Supplemental Rules for Admiralty and Maritime and the Local Rules): This is the process used for the release of a vessel. Submit the following:

Claim of Owner:

- Original (with an original signature of the filing party) and one copy for the judge.

Release Bond:

- Original (with an original signature of the filing party) and one copy of the release bond for the judge.

NOTE: The bond required is the amount of the claim plus six percent (6%) interest per annum from the date claimed to be due to a date twenty-four (24) months after the date the claim was filed, or by filing an approved stipulation or bond for the amount alleged plus interest as computed in this subsection (Fed. R. Civ. P. Rule E (5)(a) Admiralty and Maritime Claims and Local Rule E(8)(a)(1)).

U. S. Marshal Cost Form:

- Original indicating that all United States Marshals Service costs have been paid.

Unliquidated Items:

- All unliquidated items, such as attorneys' fees, Court costs, interest, etc., must be satisfied, or a stipulation by both parties or a Court order is required to release the vessel.

Filing Fee: There is no filing fee for this proceeding.

ENFORCEMENT OF JUDGMENTS

Writ of Execution (Fed. R. Civ. P. 69): This is the process used to enforce a judgment for the payment of monies. Submit the following:

Writ of Execution: See Appendix I for form. Prepare five (5) proposed writs:

- Original and one copy for the Court **and**
- Three for the United States Marshals Service.

Filing Fee: There is no filing fee for this action.

Writ of Garnishment after Judgment (Fed. R. Civ. P. 64): The process for the seizure of person or property for the purpose of securing satisfaction of the judgment. Submit the following:

Writ of Garnishment: Prepare five (5) proposed writs:

- Original and one copy for the judge,
- One for the Court's financial records,
- One to serve upon the party, **and**

- One to be returned to the Clerk's Office to document the return of service.

Service:

- Service must be provided by a private process server; therefore, submit an original and one copy of the Motion for Appointment of a Process Server (Appendix H). The absence of the filing of this motion does not preclude the writ from being issued.

Filing Fee: There is no filing fee, however, a \$100.00 deposit into the Court Registry is required (Florida Statute 77.28), unless waived by court order.

NOTE: Continuing writs require an order of the Court, therefore, all such applications must be made to the Court. The \$100.00 deposit applies, unless waived by the court.

APPEALS TO THE UNITED STATES COURT OF APPEALS

Notice of Appeal:

- Original (with an original signature of the filing party), one copy for the judge **and**
- One copy for each party, including the U.S. Court of Appeals.

Envelopes:

- Stamped, self-addressed envelopes for all parties.

Filing Fee: The filing fee is \$255.00 payable to "Clerk, United States Court." An original and one copy for the judge of the Motion to Proceed In Forma Pauperis may be filed in lieu of the fee.

When to File: The notice of appeal should be filed after the order of judgment has been entered on the docket (Fed. R. App. P. 4(b)).

NOTE: The appellee will be sent an Eleventh Circuit Transcript Information Form (formerly known as the Appeal Information Sheet) to complete. This form and any requests for transcripts must be filed with the Clerk's Office of the district court.

CIVIL SUBPOENAS (Fed. R. Civ. P. Rule 45)

In General: Rule 45 of the Federal Rules of Civil Procedure was amended effective December 1, 1991. The requirement that a subpoena be issued under the seal of the Court has been abolished. Instead the only requirement is that it be signed. Therefore, it is no longer necessary that subpoenas be issued by the Clerk's Office. Although the Clerk still has authority to do so, the subpoenas may be issued by counsel as officers of the Court. Other parties who are not officers of the Court must have the Clerk's Office sign the subpoena for them.

Attorneys are authorized to issue subpoenas in the name of any court in which they are authorized to practice. In the case of a deposition or a production of documents taking place

in **another** district, the name of that court and case number (where the deposition or production is to take place) should be typed at the top of said subpoena.

It is not required that the attorney be a member of the bar or admitted pro hac vice in the district in whose name the subpoena is issued, as long as the deposition or production pertains to a primary action in a court in which the attorney is authorized to practice.

Witness Fee: The fee for a witness being subpoenaed is \$40.00 per day and mileage is 37.5 cents per mile (28 USC § 1821).

Proof of Service: Proof of service of the subpoena is required to be filed only in the event of a dispute or upon order of the Court.

Forms: Blank forms are available at the Intake Section of any Clerk's Office.

NOTE: The place of taking the deposition and person being deposed must be in the Southern District of Florida.

Subpoena enforcement: Refer to page 14 of this booklet Motion to Enforce or Quash Deposition Subpoena from another District.

CONFIDENTIAL FILINGS (Local Rule 5.4)

Documents and cases are sealed when it is determined by a judge that the information contained in them should not be a part of the public record. Parties seeking to file matters under seal shall follow the procedures prescribed by Local Rule 5.4 (Appendix J) and submit:

- An original and one copy of the **proposed filing**, each contained in a separate plain envelope, clearly marked as "sealed document" with the case number and style on the outside of each envelope; **and**
- Original (with an original signature of the filing party), and one copy for the judge of the **motion to seal** setting forth a reasonable basis for departing from the general policy of public filing, generally describing the matter contained in the envelope. The motion shall state the specific period of time the party seeks to have the matter maintained under seal. Unless permanent sealing is sought, the motion shall set forth how the matter is to be handled upon expiration of the time specified in the Court's sealing order, or returned to the filing party; **and**
- File an original (with an original signature of the filing party), and one copy for the judge of the **ORDER RE: SEALED FILING** (see Appendix J for this form); **and**
- Proposed order with stamped, self-addressed envelopes for all parties.

EMERGENCY JUDGE

Emergency judges are selected randomly to handle emergency filings when the assigned judge is physically absent from the District, unavailable due to illness, or on vacation (Local

Rule 3.7.B). If the presiding judge on the case is out of the District, the party filing an emergency matter must complete a Certification of Emergency form (Appendix K) attesting that the emergency matter is a true emergency and not caused by a lack of due diligence by the filing party. These forms are available at all Clerk's Offices.

DUTY JUDGE

A duty judge is assigned on a rotating basis for the Miami, Fort Lauderdale and West Palm Beach offices. The duty judge presides over the following matters pursuant to Local Rule 3.8:

- Grand jury matters as provided by the Court in its administrative orders;
- Emergency naturalization matters and naturalization ceremonies ;
- Matters arising from magistrate judge proceedings which are not assigned to a district judge, including, but not limited to; applications for reduction of bonds and competency examinations;
- Transfers of probation from foreign districts;
- Swearing in of attorneys to practice;
- Wire tap applications in matters not assigned to a District Judge;
- Warrants of arrest in admiralty cases when the assigned district judge is unavailable, and
- Emergency petitions for a writ of habeas corpus involving a petitioner's claim for immediate release, where the assigned judge is in the district, but otherwise unavailable to rule on the petition.
- All written and verbal requests for excuses from complying with both grand and petit jury summonses.

LOCATION OF CASE FILES

Case files are maintained where the assigned judge is chambered. Cases that have been closed and which are not on appeal are sent to the Federal Records Center in East Point, Georgia. The cost to retrieve files from the Federal Records Center is \$45.00 **per file or you may contact the FRC directly at (404)763-7474.**

Here is an example of a typical case number:

03-21234-CIV-DAVIS/BANDSTRA

03 = The last two digits of the year the case was filed
21234 = The number of the case
CIV = The abbreviation denoting a civil case
DAVIS = The surname of the district judge assigned to the case
BANDSTRA = The surname of the magistrate judge assigned to the case

OBTAINING INFORMATION FROM THE CASE

Computer terminals that allow access to the electronic case docket are available in the Miami, Fort Lauderdale and West Palm Beach Clerk's Offices. The electronic docket is available for civil cases filed from August 1990 to present and for criminal cases from January 1992 to present. Anyone interested in accessing this electronic docket via a modem to a personal computer can subscribe to the Court PACER system. Contact the PACER Service Center at **1-800-676-6856** or visit their web site at: <http://pacer.psc.uscourts.gov>. In addition, scanned images for cases that are three years old or less are available via Pacer.

The Clerk's Office has initiated a project to scan all pleadings in civil cases filed from June 1, 1996 to present and criminal cases filed from November 1996 to present. The scanned images of the pleadings can be retrieved from the public terminals in the Miami, Fort Lauderdale and West Palm Beach Clerk's Offices.

These Clerk's Offices also have microfiche indices of Civil and Criminal cases since mid-1985.

Should copies be requested from the file, there is a \$.50 cents per page copy charge. If a certified copy is required, the charge is \$9.00 per document for the certification in addition to the per page charge. If a large volume of copies is needed, contact the Clerk's Office where the presiding district judge on the case is located for further information (see page 5 of this booklet).

AVAILABILITY OF PUBLIC COMPUTERS

Our offices are now equipped with public use terminals in the Intake lobby areas where case searches may be performed by party name or case number.

Each of the staffed Clerk's Offices makes the party index available to the public so case numbers can be researched. You may research case information yourself at no charge. If you request the Clerk's Office staff to conduct a search, it is subject to a \$26.00 search fee **per name**.

ADMISSION TO THE FEDERAL BAR

The requirement for admission to the Federal Bar of the Southern District of Florida is contained in the Local Rules for this District, Special Rules Governing the Admission and Practice of Attorneys, and Administrative Order 95-52.

Under an agreement with the Northern District of Florida, attorneys may also take exams in the Southern District of Florida to be admitted to practice in the Northern District of Florida.

Application: An applicant must be a member in good standing of the Florida Bar. The petition for admission to the Bar may be obtained from the Intake Section of any Clerk's Office. The fee for admission is \$75.00 payable to "Clerk, United States Court." If requested through the mail, **be sure to include a self-addressed, stamped envelope.**

Information, applications and fees for admission to the Northern District of Florida must be obtained through that District. Their address is: U.S. District Court, Northern District of Florida, 30 W. Government Street, Room 205, Panama City, Florida 32401, (850) 769-4556.

Exam: The applicant must receive a passing grade on the Uniform Examination, approved and adopted by the District Examination Committees of the Northern and Southern Districts of Florida and by the respective Courts.

Pro Hac Vice Appearance Local Rule 4 (B): An attorney who is a member in good standing of the Bar of any United States Court or the highest court of any state or territory or insular possession of the United States, but is not admitted to practice in this District, may be permitted to appear and participate in a particular case. The attorney must certify that he/she has studied the Local Rules of this District and such application shall designate a member of the bar of this Court to serve as an advisor. **Each** attorney must file a motion to appear pro hac vice (Appendix L) on **each** case along with a filing fee of \$75.00 **per case**, payable to "Clerk, United States Court." (Administrative Order 96-61). If granted, such limited appearance does not constitute formal admission to the Bar of this Court.

Government Attorneys: Any attorney from the offices of or representing the United States Attorney, Federal Public Defender, Attorney General of the United States, other United States government agencies or the Attorney General of the State of Florida may appear and participate in particular actions or proceedings on behalf of the attorney's agency without petition for admission. Any attorney so appearing is subject to all rules of this Court.

MEDIATION (L. R. 16.2)

Mediation is a supervised settlement conference presided over by a qualified, certified and neutral mediator to promote conciliation, compromise and the ultimate settlement of a civil action. Rule 16.2 of the Local Rules of the United States District Court for the Southern District of Florida implemented court annexed mediation in this District. This rule defines the types of cases subject to mediation and the procedures to refer a case or claim to mediation. It is recommended that all parties in a case in this District refer to Rule 16.2 of the Local Rules of this Court. Applications to become a certified mediator and/or a current listing of approved mediators may be obtained at the Intake counter at any of the Clerk's Offices.

NOTICE OF 90 DAYS EXPIRING AND RIPENESS FOR HEARING (L. R. 7.1.B.3)

When a motion has been fully briefed and pending for more than 90 days with no hearing set, the Clerk of the Court shall send to the Court and to all parties a "Notification of 90

Days Expiring and Ripeness for Hearing.” any party may file a Notice of 90 days Expiring and Ripeness for Hearing. The Rule states: “Any party may request the Clerk to do so, and in that event, the Clerk shall not file the request in the Court file nor indicate the identity of the party making the request. When the Court receives such notification, it shall set the matter for hearing within 10 days of receipt of the notification or shall issue an order resolving the motion or other matter during that same 10 day period.” A party’s request should be in the form of a letter submitted to the Miami Clerk’s Office “Attention: Room 321”. The letter should identify the case by name and number and should identify, by docket number, the motion as well as any supporting, opposing and reply memoranda. The Clerk’s Office will not file stamp the request and the judge presiding over the case will not know who submitted the request.

APPENDIX

A thru N

UNITED STATES DISTRICT COURT
Southern District of Florida

Case Number: _____

Plaintiff(s)

v.

Defendant(s)

(TITLE OF DOCUMENT)

I, _____ plaintiff or defendant, in the above styled cause,

Certificate of Service

I _____, certify that on this date _____ a true copy
of the foregoing document was mailed to: _____
name(s) and address(es)

By:

Printed or typed name of Filer

Signature of Filer

Florida Bar Number

E-mail address

Phone Number

Facsimile Number

Street Address

City, State, Zip Code

CAUSE TABLE REPORT

(March 2000)

CODE	DESCRIPTION
02:0431	02:0431 Fed. Election Commission: Failure Enforce Compliance
02:0437	02:0437 Federal Election Commission
05:0075	05:0075(2) Contract - Reduction in Grade
05:0551	05:0551 Administrative Procedure Act
05:0552fi	05:0552 Freedom of Information Act
05:0552pa	05:0552 Right to Privacy Act
05:0554	05:0554 Constitutionality of Maritime Statutes
05:0701	05:0701 Maritime Subsidy Board
05:0702	05:0702 Administrative Procedure Act
05:0704	05:0704 Labor Litigation
05:7703	05:7703 Discrimination - Review of Agency Act
05:8470	05:8470 Enforcement of Judgment against Retirement Benefits
07:0009	07:0009 Commodity Futures Trading Act
07:0025	07:0025 Fraud - Commodities Leverage Contracts
07:006(b)	07:006 Federal Commodity Exchange Regulation
07:0181	07:0181 Packers & Stockyard Act
07:0499	07:0499 Agricultural Commodities Act
07:0601	07:0601 USDA Condemnation
07:2023a	07:2023a Food Stamp Program
07:2321	07:2321 Plant Variety Protection Act
08:1105	08:1105(a) Immigration and Nationality (Deportation Review)
08:1182	08:1182 Defend. Denial of Pla. Appl. for Alien Employment Cert
08:1260	08:1260 Aliens: Access to Records
08:1324	08:1324 Aliens: Complaint for Forfeiture
08:1329	08:1329 Writ of Mandamus to Adjudicate Visa Petition
08:1446	08:1446 Petition for Naturalization Hearing
08:1451(j)	08:1451 Motion to Correct Order & Judg. of Naturalization
09:0001	09:0001 U.S. Arbitration Act
09:0009	09:0009 Motion to confirm arbitration award
10:1408	10:1408 Claim for Military Retirement
10:1552	10:1552 Armed Forces: Action to Correct Records
10:1553	10:1553 Armed Forces: FOIA General
10:2305	10:2305 Review of Federal Contract
11:0101	11:0101 Bankruptcy
11:0523	11:0523 Discharge of Tax Liability
11:0548	11:0548 Bankruptcy- Fraudulent Transfers
12:0022	12:0022 Securities Fraud
12:0191	12:0191 Bank Foreclosure
12:0192	12:0192 Liquidation of National Bank
12:0635	12:0635 Breach of Insurance Contract
12:1441	12:1441 Federal Mortgage Foreclosure
12:1461	12:1461 Homeowners Loan Act
12:1464	12:1464 Federal Savings and Loan

CAUSE TABLE REPORT

(March 2000)

CODE	DESCRIPTION
12:1703	12:1703 Default of HUD Loan
12:1819	12:1819 Default of Promissory Note
12:1821(d)	12:1821 Claim for Indemnification
12:1971	12:1971 Relief under Bank Holding Act
12:3410	12:3410 Right to Financial Privacy Act
15:0001	15:0001 Antitrust Litigation
15:0002at	15:0002 Antitrust Litigation
15:0002fl	15:0002 Fair Labor Standards Act
15:0005(m)	15:0005 Fair Labor Standards Act
15:0015	15:0015 Antitrust Litigation
15:0025	15:0025 Clayton Act
15:0053	15:0053 Federal Trade Commission Act
15:0077	15:0077 Securities Fraud
15:0078	15:0078 Securities Exchange Act
15:0631	15:0631 Small Business Act
15:0754	15:0754 Emergency Petroleum Allocation-Admin.& Enforcement
15:1121	15:1121 Trademark Infringement
15:1125	15:1125 Trademark Infringement (Lanham Act)
15:1126	15:1126 Patent Infringement
15:1601	15:1601 Truth in Lending
15:1640	15:1640 Truth in Lending
15:1681	15:1681 Fair Credit Reporting Act
15:1692	15:1692 Fair Debt Collection Act
15:1938	15:1938 Fair Labor Standards Act
15:1981	15:1981 Fraud-Motor Vehicle (Odometer)
15:1988	15:1988 Fraud-Motor Vehicle (Odometer)
15:1989	15:1989 Fraud-Motor Vehicle (Odometer)
15:2301	15:2301 Magnuson-Moss Warranty Act
15:2801	15:2801 Petroleum Marketing Practices Act
16:0410	16:0410 Land Condemnation
16:0668	16:0668 Bald Eagle Protection Act
16:0703	16:0703 Migratory Bird Act
16:1437	16:1437 Marine Sanctuaries Act (MPRSA)
16:1540	16:1540 ESA - Endangered Species Act
17:0101	17:0101 Copyright Infringement
17:0501	17:0501 Copyright Infringement
18:0241	18:0241 Conspiracy Against Citizen Rights
18:0981	18:0981 Property forfeiture from criminal acts
18:1957	18:1957 Forfeiture - currency from criminal acts
18:1961	18:1961 Racketeering (RICO) Act
18:1962	18:1962 Racketeering (RICO) Act
18:1964	18:1964 Racketeering (RICO) Act
18:2511	18:2511 Wiretapping
18:3114	18:3114 Motion for Return of Seized Property

CAUSE TABLE REPORT (March 2000)

CODE	DESCRIPTION
18:3181	18:3181 Extradition to Foreign Country
18:3582	18:3582 Motion to Reduce Sentence
18:4208	18:4208(B) Agency Action Review
20:1080	20:1080 Student Loan Recovery
20:1099	20:1099 Higher Education Act - Accreditation
20:1400	20:1400 Civil Rights of Handicapped Child
20:1401	20:1401 Education: Handicapped Child Act
21:0841	21:0841 Forfeiture Property-Drugs
21:0881	21:0881 Forfeiture Property-Drugs
23:0134	23:0134 P.I.- Auto Negligence
23:1441	23:1441 Contract Real Estate
25:0640	25:0640 Indian Tribal Rights
25:1901	25:1901 Indian Child Welfare Act
26:6212	26:6212 Injunctive Relief from IRS Lien
26:6213	26:6213 Injunctive Relief from IRS Lien
26:6702	26:6702 IRS: Refund of Income Tax Penalty
26:6703	26:6703 IRS: Refund of Tax Penalty
26:7401	26:7401 IRS: Tax Liability
26:7402	26:7402 IRS: Petition to Enforce IRS Summons
26:7422rt	26:7422 IRS: Refund Taxes
26:7422rx	26:7422 IRS: Refund Excise Tax
26:7426	26:7426 IRS: Wrongful Levy for Taxes
26:7429	26:7429 IRS: Tax Jeopardy Assessment
26:7609	26:7609 IRS: Petition to Quash IRS Summons
27:0185	27:0185 Enforcement of Arbitration Award
28:0157c	28:0157 BKC 9033 Proposed findings/judgment
28:0157d	28:0157 Motion for Withdrawal of Reference
28:0158	28:0158 Bankruptcy Appeal from Judgment/Order
28:0158a	28:0158 Motion for Leave to File Notice of Appeal
28:0185	28:0185 Suit to Compel Arbitration
28:0451	28:0451 Employment Discrimination
28:0754	28:0754 Receiver of Property in Different Districts
28:0794	28:0794 Rehabilitation Act
28:1001	28:1001 E.R.I.S.A.
28:1132	28:1132 E.R.I.S.A.
28:1330	28:1330 Breach of Contract
28:1331	28:1331 Federal Question
28:1331al	28:1331 Fed. Question: Airline Crash
28:1331at	28:1331 Fed. Question: Anti-trust
28:1331au	28:1331 Fed. Question: Auto Negligence
28:1331bc	28:1331 Fed. Question: Breach of Contract
28:1331cm	28:1331 Fed. Question: Interstate Commerce Act
28:1331cv	28:1331 Fed. Question: Civil Rights Violation
28:1331ed	28:1331 Fed. Question: Employment Discrimination

CAUSE TABLE REPORT (March 2000)

CODE	DESCRIPTION
28:1331ej	28:1331 Federal Question: Enforcement of Judgment
28:1331fl	28:1331 Fed. Question: Fair Labor Standards
28:1331in	28:1331 Fed. Question: Insurance Contract
28:1331mm	28:1331 Fed. Question: Medical Malpractice
28:1331ng	28:1331 Fed. Question: Natural Gas Act
28:1331pi	28:1331 Fed. Question: Personal Injury
28:1331rd	28:1331 Fed. Question: Review Agency Decision
28:1331rp	28:1331 Fed. Question: Real Property
28:1331rr	28:1331 Fed. Question: Railway Labor Act
28:1331sv	28:1331 Fed. Question: Securities Violation
28:1331tr	28:1331 Fed. Question: Trademark
28:1331tt	28:1331 Fed. Question: Tort Action
28:1331v	28:1331 Fed. Question: Violation 5th & 8th Amendment
28:1331wt	28:1331 Fed. Question: Water Rights
28:1332	28:1332 Diversity
28:1332ac	28:1332 Diversity-Account Receivable
28:1332al	28:1332 Diversity-Airline Crash
28:1332as	28:1332 Diversity-Asbestos Litigation
28:1332au	28:1332 Diversity-Auto Negligence
28:1332bc	28:1332 Diversity-Breach of Contract
28:1332df	28:1332 Diversity-Contract Default
28:1332ds	28:1332 Diversity-Contract Dispute
28:1332ed	28:1332 Diversity-Employment Discrimination
28:1332fr	28:1332 Diversity-Fraud
28:1332ij	28:1332 Diversity-Injunctive & Declaratory Relief
28:1332in	28:1332 Diversity-Insurance Contract
28:1332jd	28:1332 Diversity-Declaratory Judgment
28:1332lb	28:1332 Diversity-Libel, Assault, Slander
28:1332mm	28:1332 Diversity-Medical Malpractice
28:1332ni	28:1332 Diversity-Negotiable Instrument
28:1332nm	28:1332 Diversity-Non-Motor Vehicle
28:1332nr	28:1332 Diversity-Notice of Removal
28:1332pd	28:1332 Diversity-Property Damage
28:1332pi	28:1332 Diversity-Personal Injury
28:1332pl	28:1332 Diversity-Product Liability
28:1332qt	28:1332 Diversity-Petition to Quiet Title
28:1332tl	28:1332 Diversity-Torts to Land
28:1332tm	28:1332 Diversity-Tort/Motor Vehicle (P.I.)
28:1332tn	28:1332 Diversity-Tort/Non-Motor Vehicle
28:1332wd	28:1332 Diversity-Wrongful Death
28:1333	28:1333 Admiralty
28:1333dc	28:1333 Admiralty - Damaged/Lost Cargo
28:1333fc	28:1333 Admiralty - Freight/Tariff Charges
28:1333fm	28:1333 Admiralty - Foreclose Ship's Mortgage

CAUSE TABLE REPORT (March 2000)

CODE	DESCRIPTION
28:1333sc	28:1333 Admiralty - Seaman Complaint
28:1333sr	28:1333 Admiralty - Services Rendered
28:1334	28:1334 Bankruptcy Appeal
28:1335	28:1335 Interpleader Action
28:1337	28:1337 Sherman-Clayton Act
28:1338cp	28:1338, Copyright Infringement
28:1340	28:1340 IRS: Custom Duties
28:1341	28:1341 Complaint for Forfeiture
28:1343	28:1343 Violation of Civil Rights
28:1345	28:1345 USA Plaintiff
28:1345co	28:1345 Replevin & Conversion
28:1345db	28:1345 Debt to US - FHA/HUD Title I
28:1345fc	28:1345 Foreclosure
28:1345ff	28:1345 Complaint for Forfeiture
28:1345mi	28:1345 Mining Claim Ejectment
28:1345pd	28:1345 Property Damage
28:1345pe	28:1345 VA Property Ejectment
28:1345rc	28:1345 Recovery of Debt to US
28:1345st	28:1345 Default of Student Loan
28:1345va	28:1345 Recovery of VA Overpayment
28:1346rc	28:1346 Recovery of IRS Tax
28:1346tc	28:1346 Tort Claim
28:1348	28:1348 Corporation organized under Federal Law as party
28:1352	28:1352 Miller Act
28:1358	28:1358 Land Condemnation
28:1361	28:1361 Petition for Writ of Mandamus
28:1361us	28:1361 Action to compel U.S. officer to perform duty
28:1362ic	28:1362 Indian Tribal Controversy
28:1362iw	28:1362 Declaration re: Indian Tribal Water Rights
28:1364	28:1364 Auto Negligence
28:1391	28:1391 Personal Injury
28:1402	28:1402 Medical Malpractice
28:1407	28:1407 Airline Crash
28:1441ac	28:1441 Notice of Removal-Account Receivable
28:1441al	28:1441 Notice of Removal-Airline Crash
28:1441as	28:1441 Notice of Removal-Asbestos Litigation
28:1441au	28:1441 Notice of Removal-Auto Negligence
28:1441bc	28:1441 Notice of Removal-Breach of Contract
28:1441cs	28:1441 Notice of Removal-Constitutionality State Statutes
28:1441df	28:1441 Notice of Removal-Contract Default
28:1441dj	28:1441 Notice of Removal-Declaratory Judgment
28:1441ds	28:1441 Notice of Removal-Contract Dispute
28:1441fr	28:1441 Notice of Removal-Fraud
28:1441ij	28:1441 Notice of Removal-Injunctive/Declaratory Relief

CAUSE TABLE REPORT

(March 2000)

CODE	DESCRIPTION
28:1441in	28:1441 Notice of Removal-Insurance Contract
28:1441la	28:1441 Notice of Removal - Labor
28:1441lb	28:1441 Notice of Removal-Libel, Assault, Slander
28:1441mm	28:1441 Notice of Removal-Medical Malpractice
28:1441ni	28:1441 Notice of Removal-Negotiable Instrument
28:1441nm	28:1441 Notice of Removal-Non-Motor Vehicle
28:1441nr	28:1441 Notice of Removal
28:1441pd	28:1441 Notice of Removal-Property Damage
28:1441pi	28:1441 Notice of Removal-Personal Injury
28:1441pl	28:1441 Notice of Removal-Product Liability
28:1441qt	28:1441 Notice of Removal-Petition to Quiet Title
28:1441tl	28:1441 Notice of Removal-Torts to Land
28:1441tm	28:1441 Notice of Removal-Tort/Motor Vehicle (P.I.)
28:1441tn	28:1441 Notice of Removal-Tort/Non-Motor Vehicle
28:1441wd	28:1441 Notice of Removal-Wrongful Death
28:1442bc	28:1442 Notice of Removal-Breach of Contract
28:1442nr	28:1442 Notice of Removal
28:1443	28:1443 Rent, Lease & Ejectment
28:1443cv	28:1443cv Notice of Removal - Civil Rights Cases
28:1444	28:1441 Notice of Removal-Foreclosure
28:1446in	28:1446 Breach of Contract- Insurance
28:1446nr	28:1446 Notice of Removal
28:1446pd	28:1446 Notice of Removal-Property Damage (P.I.)
28:1446pi	28:1446 Notice of Removal-Personal Injury
28:1452	28:1452 Removal of Claim in Civil Action Related to BK. Case
28:1651hc	28:1651 Petition for Writ of Habeas Corpus
28:1651mn	28:1651 Petition for Writ of Mandamus
28:1782	28:1782 Letter rogatory - appointment
28:1983	28:1983 Civil Rights
28:2201dj	28:2201 Declaratory Judgment
28:2201in	28:2201 Declaratory Judgment (Insurance)
28:2241	28:2241 Petition for Writ of Habeas Corpus (Federal)
28:2242	28:2242 Application for writ of Habeas Corpus
28:2254	28:2254 Petition for Writ of Habeas Corpus (State)
28:2255	28:2255 Motion to Vacate Sentence
28:2345	28:2345 Medicare Recovery
28:2409	28:2409 Quiet Title Action
28:2410	28:2410 Actions affecting property on which USA had lien
28:2671	28:2671 Federal Tort Claims Act
28:2674	28:2674 Federal Tort Claims Act
28:7422	28:7422 Appeal from Administrative Decision
29:0151	29:0151 Labor: Review of Agency Action
29:0158	29:0158 Interstate Commerce Commission
29:0160	29:0160 National Labor Relations Act

CAUSE TABLE REPORT (March 2000)

CODE	DESCRIPTION
29:0184	29:0184 Violation Collection Bargain Agreement
29:0185ep	29:0185 Employee Pension Plan
29:0185lm	29:01851 Labor/Mgt. Relations (Contracts)
29:0201do	29:0201 Denial of Overtime Compensation
29:0201fl	29:0201 Fair Labor Standards Act
29:0206	29:0206 Collect Unpaid Wages
29:0401	29:0401 Labor Management Disclosure Act
29:0621	29:0621 Job Discrimination (Age)
29:0623	29:0623 Job Discrimination (Age)
29:0626	29:0626 Job Discrimination (Age)
29:0633	29:0633 Job Discrimination (Age)
29:0651	29:0651 Occupational Safety/Health
29:0754	29:0754 Discrimination
29:0791	29:0791 Job Discrimination (Rehabilitation Act)
29:0794	29:0794 Job Discrimination (Handicap)
29:1001	29:1001 E.R.I.S.A.: Employee Retirement
29:1002	29:1002 E.R.I.S.A.: Employee Retirement
29:1104	29:1104 Recovery of Benefits to Employee
29:1109	29:1109 Breach of Fiduciary Duties
29:1131	29:1131 ERISA - Collection of Delinquent Trust Funds
29:1132	29:1132 E.R.I.S.A.-Employee Benefits
29:1145	29:1145 E.R.I.S.A.
29:1149	29:1149 Recover Pension & Profit Sharing
29:1337	29:1337 E.R.I.S.A.
29:1381	29:1381 E.R.I.S.A.
29:1401	29:1401(b)(2) Appeal of Arbitration Award
29:1451	29:1451 E.R.I.S.A.
29:1801	29:1801 Farmworker Rights
30:0181	30:0181 Environment: Review of Agency Action
30:1201	30:1201 Environment: Review of Agency Action
30:1276	30:1276 Interior: Review of Agency Action
31:3545	31:3545 Action to Recover Money
31:3729	31:3729 False Claims Act
31:3731	31:3731 Fraud
31:5313	31:5313 Forfeiture - currency reporting violation
31:5316	31:5316 Forfeiture - currency reporting violation
33:1319cw	33:1319 Clean Water Act
33:1319pv	33:1319 Pollutants & Permit Violations
33:1365	33:1365 Environmental Matters
35:0145	35:0145 Patent Infringement
35:0183	35:0183 Patent Infringement
35:0271	35:0271 Patent Infringement
38:0775	38:0775 Recovery of Servicemen's Group Life Insurance
38:1681	38:1681 Recovery of VA Overpayment

CAUSE TABLE REPORT

(March 2000)

CODE	DESCRIPTION
38:1686	38:1686 Recovery of VA Overpayment
38:1780	38:1780 Recovery of VA Overpayment
38:1803	38:1803 Recoupment of VA mortgage
38:2021	38:2021 Right to re-employment of inducted persons
38:3116	38:3116 VA Overpayment
39:3007	39:3007 Injunc. direct. retention/examination incoming mail
40:0258	40:0258 Public Buildings & Property: Land Condemnation
40:0270	40:0270 Miller Act
40:0875	40:0875 Public Buildings & Property: Negligence
41:0251	41:0251 Public Contracts-Review of Agency Action
41:1463	41:1463 Public Contracts: Unlawful Employment Practices
42:0205	42:0205 Denial Social Security Benefits
42:0206	42:0206 Social Security Benefits
42:0247	42:0247 Personal Injury-Swine Flu
42:0402	42:0402 Social Security Benefits
42:0405	42:0405 Fair Housing Act
42:0405id	42:0405 Review of HHS Decision (SSID)
42:0405wc	42:0405 Review of HHS Decision (DIWC)
42:0405ww	42:0405 Review of HHS Decision (DIWW)
42:0416	42:0416 Denial of Social Security Benefits
42:12182	42:12182 Americans with Disabilities Act
42:1383	42:1383 Review of HHS Decision
42:1395	42:1395 HHS: Adverse Reimbursement Review
42:1981cv	42:1981 Civil Rights
42:1981hs	42:1981 Housing Discrimination
42:1981jb	42:1981 Job Discrimination (Race)
42:1981sx	42:1981 Sex Discrimination
42:1983cv	42:1983 Civil Rights Act
42:1983pr	42:1983 State Prisoner Civil Rights
42:1986	42:1986 Neglect of Duty
42:2000ag	42:2000 Job Discrimination (Age)
42:2000pb	42:2000 Job Discrimination (Public Accommodations)
42:2000ra	42:2000 Job Discrimination (Race)
42:2000sx	42:2000 Job Discrimination (Sex)
42:2003	42:2003 Job Discrimination
42:2005	42:2005 Review of Agency Action-HHS
42:2615	42:2615 Medical Recovery Act
42:3601	42:3601 Fair Housing Act
42:4000	42:4000 National Flood Insurance Act
42:4001	42:4001 National Insurance Flood Act
42:4053	42:4053 Breach of Insurance Contract
42:4321	42:4321 Review of Agency Action-Environment
42:6901en	42:6901 Environmental Cleanup Expenses
42:6901rs	42:6901 Resource & Recovery Act

CAUSE TABLE REPORT

(March 2000)

CODE	DESCRIPTION
42:7604cl	42:7604 Clear Air Act (Emission Standards)
42:7604ir	42:7604 Petition to Quash IRS Summons
42:9607	42:9607 Real Property Tort to Land
45:0051	45:0051 Railways: Fed. Employer's Liability Act
45:0151	45:0151 Railway Labor Act
45:0184	45:0184 Action to Set Aside Award of a System Board of Adjus
45:1395	45:1395 Railroads: Adverse Reimbursement Review
45:7457	45:7457 Compel Reclamation Under Clear Air Act
46:0185	46:0185 Petition by vessel owner for limitation of liability
46:0688	46:0688 Jones Act
46:0741	46:0741 Shipping
46:0761	46:0761 Shipping: Damages for Death on High Seas
46:1101	46:1101 Violation of Maritime Regulations
46:1156	46:1156 Administrative Procedure Act
46:1301	46:1301 Admiralty - Damaged/Lost Cargo
47:0151	47:0151 Telegraphs/Telephones - FCC: fees/charges
47:0605	47:0605 Unauthorized publication or use of communications
48:0883	48:0883 Violation of US Coastal Law
49:0081	49:0081 Damaged Goods While Being Transported
49:0781	49:0781 Forfeiture
49:11707	49:11707 Liability of Common Carriers
49:1471	49:1471 Federal Aviation Act
49:1502	49:1502 Air Transportation (Warsaw Convention)
99:9999	99:9999 Report cause code (DO NOT DELETE!)
adsup	Administrative Subpoena
apptrec	Appointment of receiver
bvcmp	Bivens - Federal Prisoner Civil Rights
contempt	Contempt Proceedings
disbar	Disbarment Proceedings
fordepo	Foreign Deposition
menfsubp	Motion to enforce deposition subpoena
motcomp	Motion to Compel
motjudrev	Motion for Judicial Review
motquash	Motion to Quash
motret	Motion for Return of Property
motstaybkc	Motion to Stay Bankruptcy Proceedings
mottro	Motion for Temporary Restraining Order
petenf	Petition to Enforce IRS Summons
petper	Petition to Perpetuate Testimony
regjgm	Registration of Foreign Judgment
tranbkref	Transmission of Bankruptcy Reference
tranff	Transmission of Proposed Findings of Fact and Concl. of Law
writgar	Application for a Writ of Garnishment
writman	Writ of Mandamus

Southern District of Florida

Case Number: _____

V.

Defendant(s)

I, _____ plaintiff, in the above styled cause, sues
defendant(s); _____.

(Allegation of jurisdiction, i.e., under which federal law or section of the U.S. Constitution this action is being filed - fere to Appendix B for a list)

This action is filed under: _____

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

DEFENDANTS

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF _____
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

ATTORNEYS (IF KNOWN)

(d) CIRCLE COUNTY WHERE ACTION AROSE: DADE, MONROE, BROWARD, PALM BEACH, MARTIN, ST. LUCIE, INDIAN RIVER, OKEECHOBEE HIGHLANDS

II. BASIS OF JURISDICTION

(PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only) (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify) _____
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

V. NATURE OF SUIT

(PLACE AN "X" IN ONE BOX ONLY)

A CONTRACT	A TORTS	FORFEITURE/PENALTY	A BANKRUPTCY	A OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 A PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark B SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions A OR B
A REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	A CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence HABEAS CORPUS: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act		

VI. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

LENGTH OF TRIAL

via _____ days estimated (for both sides to try entire case)

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 ☐

DEMAND \$ _____

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ YES ☐ NO

VIII. RELATED CASE(S) IF ANY

JUDGE _____

DOCKET NUMBER _____

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

Appendix D

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-44

Authority For Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) Plaintiffs – Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below: federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS-44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

V. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section IV above, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause.

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS-44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

CLERK'S OFFICE, SOUTHERN DISTRICT OF FLORIDA
FEE SCHEDULE 28 U.S.C. §1913, 1914 and 1917

Filing fee for opening civil action	\$150.00
Filing fee for Notice of Removal from State Court	\$150.00
Notice of Appeal to the 11th Circuit Court of Appeal \$250.00 + \$5.00 Docket Fee	\$255.00
Notice of Appeal to a district judge from a judgment of conviction by a magistrate in a misdemeanor case.....	\$32.00
Application for Writ of Habeas Corpus.....	\$5.00
Filing fee for Memo Cases or indexing any paper not in a case or proceeding.....	\$39.00
Registration of Judgment from another district pursuant to 28 U.S.C. § 1963.	
Letter of Rogatory/Request for Judicial Assistance	
Petition to perpetuate testimony under Rule 27(a) of the Federal Rules of Civil Procedure	
Order appointing trustees under 28 U.S.C. § 754	
Memo cases (i.e. Motion to quash Grand Jury, Order appointing trustees, etc.	
Power of Attorneys	
Search (per name or item).....	\$26.00
Certification of any document or paper.....	\$9.00
Exemplification (twice the amount of the certification fee).....	\$18.00
Apostille	\$14.00
Reproducing any document (per page).....	\$0.50
Reproducing of magnetic tape recordings (cassette or reel-to-reel).....	\$26.00
Retrieval of a record from a Federal Records Center, National Archives.....	\$45.00
Admission of attorneys to practice.....	\$75.00
(Note: \$25.00 of this fee will be deposited with the Federal Bar Association in support of the Federal Bar and Bench fund)	
Duplicate certificate of admission or Certificate of Good Standing.....	\$15.00
Motion/application for Special or Limited Appearance pursuant to <u>S.D.F.L.</u> Rule 4(B) of the Special Rule Governing the Admission and Practice of Attorneys	\$75.00
Writ of garnishment.....	\$100.00
Check returned for lack of funds.....	\$45.00

Appendix E

**NOTICE OF LAWSUIT AND REQUEST
FOR WAIVER OF SERVICE OF SUMMONS**

Case Number: _____

TO: (A) _____
as (B) _____ of (C) _____

A lawsuit has been commenced against you (or the entity on whose behalf you are addressed). A copy of the complaint is attached to this notice. It has been filed in the United States District Court for the (D) _____ Southern _____ District of _____ Florida _____ and has been assigned docket number (E) _____.

This is not a formal summons or notification from the court, but rather my request that you sign and return the enclosed waiver of service in order to save the cost of serving you with a judicial summons and an additional copy of the complaint. The cost of service will be avoided if I receive a signed copy of the waiver within (F) _____ days after the date designated below as the date on which this Notice and Request is sent. I enclose a stamped and addressed envelope (or other means of cost - free return) for your use. An extra copy of the waiver is also attached for your records.

If you comply with this request and return the signed waiver, it will be filed with the court and no summons will be served on you. The action will then proceed as if you had been served on the date the waiver is filed, except that you will not be obligated to answer the complaint before 60 days from the date designated below as the date on which this notice is sent (or before 90 days from that date if your address is not in any judicial district of the United States).

If you do not return the signed waiver within the time indicated, I will take appropriate steps to effect formal service in a manner authorized by the Federal Rules of Civil Procedure and will then, to the extent authorized by those Rules, ask the court to require you (or the party on whose behalf you are addressed) to pay the full costs of such service. In that connection, please read the statement concerning the duty of parties to waive the service of the summons, which is set forth at the foot of the waiver form.

I affirm that this request is being sent to you on behalf of the plaintiff, this ____ day of _____, 20 ____.

Signature of Plaintiff's Attorney or Unrepresented Plaintiff

A - Name of individual defendant (or name of officer or agent of corporate defendant)

B - Title, or other relationship of individual to corporate defendant

C - Name of corporate defendant, if any

D - District

E - Docket number of action

F - Addressee must be given at least 30 days (60 days if located in foreign country) in which to return waiver.

WAIVER OF SERVICE OF SUMMONS

Case Number: _____

TO: _____

I, _____, acknowledge receipt of your request that I waive
(DEFENDANT NAME)
 service of summons in the action of _____
(CAPTION OF ACTION)

which is case number _____ in the United States District Court for the
(DOCKET NUMBER)

Southern District of Florida

I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after _____
(DATE REQUEST WAS SENT)
 or within 90 days after that date if the request was sent outside the United States.

(DATE)_____
(SIGNATURE)

Printed/Typed Name: _____

As _____ of _____
(TITLE) (CORPORATE DEFENDANT)

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

UNITED STATES DISTRICT COURT
Southern District of Florida

Case Number: _____

Plaintiff

v.

Defendant

SUMMONS IN A CIVIL CASE

TO: (Name and address of defendant)

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

an answer to the complaint which is herewith served upon you, within _____ days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

CLERK

DATE

(BY) DEPUTY CLERK

RETURN OF SERVICE

Service of the Summons and Complaint was made by me ¹	DATE
NAME OF SERVER (PRINT)	TITLE

Check one box below to indicate appropriate method of service

G Served personally upon the defendant. Place where served: _____

G Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left: _____

G Returned unexecuted: _____

G Other (*specify*): _____

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL
--------	----------	-------

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on _____
Date

Signature of Server

Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

UNITED STATES DISTRICT COURT
Southern District of Florida

Case Number: _____

Plaintiff

v.

Defendant

MOTION FOR APPOINTMENT OF PROCESS SERVER

Pursuant to Federal Rules of Civil Procedure 4, as amended, the undersigned moves the Court to appoint: _____ to serve process in this action and avers that the person to be appointed is not less than eighteen (18) years of age and is not a party to this action.

Attorney for (Circle One): Plaintiff / Defendant

Printed or typed name of Attorney

Signature of Attorney

Florida Bar Number

Business telephone number

Street Address

City, State, Zip Code

ORDER

In accordance with Federal Rules of Civil Procedure 4 and Florida Rules of Court 1.070 (b), and pursuant to Miscellaneous Order 82-2 of the Southern District of Florida, the above named is hereby appointed to serve process in this action and shall file an affidavit of service with the Clerk of this Court pursuant to Federal Rule of Civil Procedure 4 (1).

Dated this _____ day of _____, 20 ____.

CLARENCE MADDOX

Court Administrator • Clerk of Court

By: _____

Deputy Clerk

UNITED STATES DISTRICT COURT

Southern District of Florida

Case Number: _____

Plaintiff

v.

Defendant

APPLICATION TO PROCEED WITHOUT PREPAYMENT OF FEES AND AFFIDAVIT

I, _____ declare that I am the (check appropriate box)

☐ petitioner/plaintiff/movant

☐ other

in the above-entitled proceeding; that in support of my request to proceed without prepayment of fees or costs under 28 USC §1915 I declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief sought in the complaint/petition/motion.

In support of this application, I answer the following questions under penalty of perjury:

1. Are you currently incarcerated? ☐ Yes ☐ No (If “No”, go to Part 2)

If “Yes”, state the place of your incarceration _____

Are you employed at the institution? _____ Do you receive any payment from them

Attach a ledger sheet from the institution(s) of your incarceration showing at least the past six months’ transactions.

2. Are you currently employed? ☐ Yes ☐ No

a. If the answer is “Yes”, state the amount of your take-home salary or wages and pay period and give the name and address of your employer.

b. If the answer is “No”, state the date of your last employment, the amount of your take-home salary or wages and pay period and the name and address of your last employer.

3. In the past 12 twelve months have you received any money from any of the following sources?

- | | | |
|---|------------------------------|-----------------------------|
| a. Business, profession or other self-employment | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| b. Rent payments, interest or dividends | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| c. Pensions, annuities or life insurance payments | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| d. Disability or workers compensation payments | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| e. Gifts or inheritances | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| f. Any other sources | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

If the answer to any of number 3a to 3f is “Yes”, describe, each source of money and state the amount received and what you expect you will continue to receive.

4. Do you have **any** cash or checking or savings accounts? G Yes G No
If "Yes", state the total amount. _____
5. Do you own any real estate, stocks, bonds, securities, other financial instruments, automobiles or any other thing of value? G Yes G No
If "Yes", describe the property and state its value.
6. List the persons who are dependent on you for support, state your relationship to each person and indicate how much you contribute to their support.

I declare under penalty of perjury that the above information is true and correct.

Date

Signature of Applicant

NOTICE TO PRISONER: A Prisoner seeking to proceed IFP shall submit an affidavit stating all assets. In addition, a prisoner must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

UNITED STATES DISTRICT COURT
Southern District of Florida

Case Number: _____

Plaintiff

v.

Defendant

ORDER ON APPLICATION TO PROCEED WITHOUT PREPAYMENT OF FEES

Having considered the application to proceed without prepayment of fees under 28 U.S.C. §1915;

IT IS ORDERED that the application is:

G **GRANTED.**

G The Clerk is directed to file the complaint.

G **IT IS FURTHER ORDERED** that the Clerk issue summons and the United States Marshal serve a copy of the complaint, summons and this order upon the defendant(s) as directed by the plaintiff. All costs of service shall be advanced by the United States.

G **DENIED**, for the following reasons:

ENTER this _____ day of _____, 20 _____.

Signature of Judicial Officer

Name and Title of Judicial Officer

UNITED STATES DISTRICT COURT
Southern District of Florida

Case Number: _____

Plaintiff

v.

Defendant

ORDERED RE: SEALED FILINGS

Party Filing Matter Under Seal

Name: _____

Address: _____

Telephone: _____

On behalf of (select one):

☐ Plaintiff

☐ Defendant

Date sealed document filed: _____

If sealed pursuant to statute, cite statute: _____

If sealed pursuant to previously entered protective order, date of order and docket entry number: _____

The matter will remain sealed until:

☐ Conclusion of Trial

☐ Arrest of First Defendant

☐ Case Closing

☐ Conclusion of Direct Appeal

☐ Other: _____

☐ Permanently. Specify the authorizing law, rule, court order: _____

The moving party requests that when the sealing period expires, the filed matter should be (select one):

☐ Unsealed and placed in the public portion of the court file

☐ Destroyed

☐ Returned to the party or counsel for the party, as identified above

It is **ORDERED** and **ADJUDGED** that the proposed sealed document is hereby:

☐ Sealed ☐ NOT Sealed ☐ Other: _____

The matter may be unsealed after:

☐ Conclusion of Trial

☐ Arrest of First Defendant

☐ Remain Sealed

☐ Case Closing

☐ Conclusion of Direct Appeal

☐ Other: _____

DONE and **ORDERED** at _____, Florida this _____ day of _____, 20____.

United States District Judge

UNITED STATES DISTRICT COURT
Southern District of Florida

Case Number: _____

Plaintiff

v.

Defendant

CERTIFICATION OF EMERGENCY

I hereby certify that, as a member of the Bar of this Court, I have carefully examined this matter and it is a true emergency.

I further certify that the necessity for this emergency hearing has not been caused by a lack of due diligence on my part, but has been brought about only by the circumstances of this case. The issues presented by this matter have not been submitted to the Judge assigned to this case or any other Judge or Magistrate Judge of the Southern District of Florida prior hereto.

I further certify that I have made a bona fide effort to resolve this matter without the necessity of emergency action.

Dated this _____ day of _____, 20 ____.

Signature: _____

Printed Name: _____

Florida Bar Number: _____

Telephone Number: _____

I hereby certify that the Judge assigned to this case is unavailable for this emergency (a copy of his/her notification to the Clerk is on file). In accordance with Local Rule 3.7, the Honorable _____ was randomly drawn from the Emergency Wheel.

Dated this _____ day of _____, 20 ____.

CLARENCE MADDOX

Court Administrator • Clerk of Court

By: _____
Deputy Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.

Plaintiff,

v.

Defendant.

_____ /

MOTION TO APPEAR PRO HAC VICE

In accordance with Local Rule 4B of the Special Rules Governing the Admission and Practice of Attorneys of the United States District Court for the Southern District of Florida, the undersigned respectfully moves for the admission of (name of attorney), of the law firm (name of firm, address and telephone number of attorney), for purposes of appearing as co-counsel on behalf of (name of party being represented) herein, in the above-styled case only.

(name of attorney requesting admission) certifies herewith that he/she has studied the Local Rules of this Court and is a member in good standing of (name of bar of which attorney is a member and name of district court). Attached hereto is a certificate of good standing from the Clerk of the United States District Court for (name of district and state where court is located).

In further support of this motion, it is hereby designated that (name of attorney admitted to the Southern District of Florida) is a member of the bar of this Court and maintains an office in this District for the practice of law. He is a person to whom the Court and counsel may readily communicate and upon whom papers may be served. In addition, the law firm of (name of firm, address and telephone number of attorney being

designated) acts as local counsel in this matter on behalf of (name of party being represented).

CONSENT TO DESIGNATION

I hereby consent to the foregoing designation.

Dated: _____

(Local counsel)

Executed under penalty of perjury on the ____ day of _____ at _____.

Respectfully submitted,
By:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was sent via U.S. mail this ____ day of _____, to:

By: _____

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.

Plaintiff,

v.

Defendant.

_____ /

ORDER GRANTING MOTION TO APPEAR PRO HAC VICE

This cause has come before the Court upon the application of (name of attorney requesting admittance), counsel for (name of party being represented), for permission to appear and participate pro hac vice in the above-styled case. Being fully advised, the Court

ORDERS, ADJUDGES and DECREES that said motion be, and the same is hereby, GRANTED.

DONE and ORDERED in chambers at the United States District Courthouse, (city and state where Judge presides), this ____ day of _____, ____.

(NAME OF JUDGE)
U.S. DISTRICT JUDGE
SOUTHERN DISTRICT OF FLORIDA

cc: Counsel of Record

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA

**With the exception of the following Judges, all Judges and Magistrates are participating in
the Faxback Program as of March 8, 2004**

UNITED STATES DISTRICT JUDGES

William M. Hoeveler

Federico A. Moreno

UNITED STATES MAGISTRATE JUDGES:

Peter R. Palermo

Robert L. Dubé

Patrick A. White

Hugh J. Morgan

WRIT OF EXECUTION

UNITED STATES DISTRICT COURT	DISTRICT Southern District of Florida
TO THE MARSHAL OF:	
YOU ARE HEREBY COMMANDED, that of the gods and chattels, lands and tenements in your district belonging to: NAME	
you cause to be made and levied as well a certain debt of:	
DOLLAR AMOUNT	DOLLAR AMOUNT and
in the United States District Court for the _____, District of _____, before the Judge of the said Court by the consideration of the same Judge lately recovered against the said,	
and also the costs that may accrue under this writ. And that you have above listed moneys at the place and date listed below; and that you bring this writ with you.	
PLACE	DISTRICT
CITY	DATE
Witness the Honorable _____ <div style="text-align: right;"><i>(United States Judge)</i></div>	
DATE	CLERK OF COURT
	(BY) DEPUTY CLERK
RETURN	
DATE RECEIVED	DATE OF EXECUTION OF WRIT
This writ was received and executed.	
U.S. MARSHAL	(BY) DEPUTY MARSHAL